

FILED

7/28/21 2:12 pm

CLERK

U.S. BANKRUPTCY
COURT - WDPA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE)
Kenneth L. Ketter,) Case No.17-24921 GLT
Debtor(s)) Chapter 13
) Related to Dkt. Nos. 53, 63
)
)
Kenneth L. Ketter,)
Movant(s))
)
Vs.)
)
PNC Bank N.A.)
Ronda J. Winnecur, Chapter 13 Trustee,)
Respondent(s))

CONSENT AMENDED ORDER CONFIRMING CHAPTER 13 SALE OF PROPERTY
FREE AND CLEAR OF LIENS

AND NOW, this 28th day of July 2021, on consideration of the Debtors' Motion for Sale of Property Free and Clear of Liens to HSH Resources, LLC, for \$157,000.00 with a seller's assist of \$9,500.00 after hearing held by Zoom Video Conference, this date, the Court finds:

(1) That service of the Notice of Hearing and Order setting hearing on said Motion for private sale of real property free and divested of liens of the above-named Respondent, was effected on the following secured creditors whose liens are recited in said Motion for Private sale, viz:

<u>DATE OF SERVICE</u>	<u>NAME OF LIENOR AND SECURITY</u>
June 3, 2021	PNC Bank N.A. 3232 Newmark Drive Miamisburg, OH 45342
June 3, 2021	Ronda J. Winnecur Chapter 13 Trustee, W.D., P.A. P.O. Box 84051 Chicago, IL 60689-4002

(2) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by the certificate of serviced duly filed and that the named parties were duly served with the Motion.

(3) That said sale hearing was duly advertised on the Court's website pursuant to *W.PA LBR 6004-1(c)(2)* on June 3, 2021. Further advertisement was not necessary under W. PA LBR 6004-2(a).

(4) That at the sale hearing the highest/best offer received was that of the above Buyers and no objections to the sale were made which would result in cancellation of said sale.

(5) That the price of \$157,000.00 with a seller's assist of \$9,500.00 offered by HSH Resources, LLC was a full and fair price for the property in question.

(6) That the Sellers's real estate agent was appointed by Court Order.

(7) That the Buyer has acted in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F2d.143 (*3d Cir. 1986).

Now therefore, **IT IS ORDERED, ADJUDGED AND DECREED**, that the sale by Special Warranty deed of the real property described as 114 Bowman Street Ext. Cuddy, PA 15031 in Allegheny County is hereby **CONFIRMED** to HSH Resources, LLC for \$157,000.00 with a seller's assist of \$9,500.00 free and divested of the above recited liens and claims, and, that the Movant is authorized to make, execute and deliver to the Buyer above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale;

IT IS FURTHER ORDERED, that the above recited liens and claims, be, and they hereby, are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims;

FURTHER ORDERED, that the following expenses/costs shall immediately be paid at the time of closing. *Failure of the closing agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions*, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order. Except as to the distribution specifically authorized herein, all remaining funds shall be held by Counsel for Movant pending further Order of this Court after notice and hearing.

- (1) The following liens(s)/claim(s) and amounts; PNC Bank, N.A. in the approximate amount of \$51,386.10 ***It is the responsibility of the closing agent to obtain the exact pay-off amount for each lien holder prior to closing date.*** The loan will be paid in full at closing;
- (2) Delinquent real estate taxes and municipal fees, if any;
- (3) Current real estate taxes, pro-rated to the date of closing;
- (4) Normal closing costs including title search, legal fees, revenue stamps, and any other normal and necessary closing costs;
- (5) The Court approved Realtor commission in the amount of **\$9,420.00** plus **\$295.00** is payable to Alexandra Ketter and Berkshire Hathaway Home Services The Preferred Realty;
- (6) The Court approved attorney fees in the amount of **\$2,815.00** payable to Steidl & Steinberg, P.C. 707 Grant Street, Gulf Tower-Suite 2830, Pittsburgh, PA 15219;

- (7) The Court filing fee of \$188.00 payable to Steidl & Steinberg, P.C. 707 Grant Street, Gulf Tower-Suite 2830, Pittsburgh, PA 15219;
- (8) Chapter 13 Trustee “percentage fees” in the amount of \$0.00 payable to “Ronda J. Winnecur, Ch. 13 Trustee, P. O. Box 2587, Pittsburgh, PA 15230”;
- (9) The Debtor’s exemption pursuant to 11 U.S.C. §522(d)(1) in the amount \$23,675.00 and 11 U.S.C. §522(d)(5) in the amount of \$485.00 for a total of \$24,160.00 payable to the Debtor, Kenneth L. Ketter;
- (10) The “net proceeds” from the closing as identified on the HUD-1 to the Chapter 13 Trustee payable to “Ronda J. Winnecur, Ch. 13 Trustee. P. O. Box 84051, Chicago, IL 60689-4002,” which check will include the Debtor’s name and bankruptcy case number and which will be sent with a copy of this Order, which amount, after deduction of Trustee fees, is to be earmarked (a) first for payment of the balance needed to pay 100% of the timely filed general non-priority unsecured creditors, which amount, in accordance with §349, shall be distributed to the unsecured creditors notwithstanding a subsequent dismissal of this case, and (b) the balance (if any) to general plan funding.

FURTHER ORDERED that:

- (1) ***Within seven (7) days of the date of this Order,*** the Movant/Plaintiff shall serve a copy of the within *Order* on each Respondents/Defendants (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney of the Debtors, the Closing Agent, the Buyers, and the attorney for the Buyers, if any, ad file a certificate of service.
- (2) ***Closing shall occur within ninety (90) days of this Order.***
- (3) ***Within seven (7) days following closing,*** the Movant/Plaintiff shall file a *Report of Sale* which shall include a copy of the HUD-1 or other Settlement Statement; and,
- (4) This *Sale Confirmation Order* survives any dismissal or conversion of the within case.

Consented to By:

/s/Owen Katz, Esquire
Office of the Chapter 13 Trustee

/s/ Kenneth Steidl
Kenneth Steidl, Esquire
Attorney for the Debtor



Honorable Gregory L. Taddo, ^{jh}
United States Bankruptcy Judge

In re:
Kenneth L. Ketter
Debtor

Case No. 17-24921-GLT
Chapter 13

District/off: 0315-2
Date Rcvd: Jul 28, 2021

User: bsil
Form ID: pdf900

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol Definition

+ Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 30, 2021:

Recip ID	Recipient Name and Address
db	+ Kenneth L. Ketter, 114 Bowman Street Ext., Cuddy, PA 15031-9705

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 30, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 28, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bnicholas@kmllawgroup.com
Jeffrey R. Hunt	on behalf of Creditor Township of South Fayette jhunt@grblaw.com cnoroski@grblaw.com
Jeffrey R. Hunt	on behalf of Creditor South Fayette School District jhunt@grblaw.com cnoroski@grblaw.com
Jeffrey R. Hunt	on behalf of Creditor County of Allegheny jhunt@grblaw.com cnoroski@grblaw.com
Kenneth Steidl	on behalf of Debtor Kenneth L. Ketter julie.steidl@steidl-steinberg.com ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@steidl-steinberg.com;cgoga@steidl-steinberg.com;lager@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com
Maria Miksich	

District/off: 0315-2

User: bsil

Page 2 of 2

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Form ID: pdf900

Total Noticed: 1

on behalf of Creditor PNC BANK NATIONAL ASSOCIATION mmiksich@kmllawgroup.com

Office of the United States Trustee

ustpregion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmeclf@chapter13trusteewdpa.com

TOTAL: 8